

December 7, 2004

December Seventh

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The regular December Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Director of Finance Aubrey D. Dodson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Police Chief Philip Broadfoot, Economic Development Director Ron Bunch, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, and Human Resources Director Andrea Witt.

Mayor Hamlin presided.

### **OATH OF OFFICE**

City Clerk Annette Crane administered the Oath of Office to T. Wayne Oakes. Mr. Oakes was appointed on November 16, 2004 to fill the unexpired term of Buddy Rawley. Mr. Oakes' term expires on June 30, 2006.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member David Luther offered the Invocation. The Pledge of Allegiance to the Flag followed.

### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized Commonwealth Attorney Bill Fuller. Mr. Fuller introduced Mary Vail Ware, Director of the Virginia Criminal Injuries Compensation Fund in Richmond. Ms. Ware advised she was before Council to present a very special award to a very special individual.

Ms. Ware said the fund was created in 1977 to pay unreimbursed expenses of victims who suffer personal physical injury or death as a result of a crime. She said the fund is an independent, judicial State agency under the Workers' Compensation Commission and is funded by fines and fees from persons convicted of felonies and certain classes of misdemeanors. Ms. Ware advised that no tax dollars are used to support this fund. Ms.

December 7, 2004

Ware said that victims of violent crimes were recipients of funds for hospital expenses, funeral expenses, counseling, lost wages, moving expenses and other reasonable necessary expenses incurred as a result of the crime, such as prescriptions, mileage to and from doctor visits, and eyeglasses.

Ms. Ware presented the first annual "Outstanding Victim Witness Program for 2004" award to Trisha S. McDowell. Ms. McDowell heads up the Victim/Witness Program in Danville. Ms. Ware said the staff reviewed over one hundred victim/witness offices from across the State and the Danville office was unanimously and enthusiastically chosen as the recipient for the first award.

Ms. McDowell thanked Ms. Ware and the staff in Richmond for bestowing this honor on the Danville office. She thanked the Danville Police Department and most especially the investigative department for their continued assistance and support.

Ms. McDowell said for the past eleven years, she had experienced the incredible opportunity of working with Commonwealth Attorney Bill Fuller. She said Mr. Fuller was truly a dedicated professional and a compassionate servant of the citizens of Danville. Ms. McDowell said he had been an inspiration to her and willingly offered his assistance any time it was needed. She thanked Jane Hawker and the remaining staff of the Commonwealth Attorney's office and recognized members of her family and friends who were in attendance.

Mayor Hamlin thanked Bill Fuller for bringing the program to Danville and offered his sincere congratulations to Ms. McDowell. He said Danville is truly a better place because of Ms. McDowell's hard work and dedication to the victims of violent crimes.

Council Member Saunders congratulated Mr. Fuller and Ms. McDowell for the wonderful honor. Mr. Saunders welcomed Ms. Ware to Danville, who was the former Chief Executive Officer with the Community Action Agency.

Mr. Fuller reiterated that Ms. McDowell had done an outstanding job since the Victim/Witness office was established in Danville eleven years ago. Citing several instances when children were victims of violent crimes, he said Ms. McDowell goes the extra mile in assisting these victims.

### **MINUTES**

Upon Motion by Council Member Saunders and second by Council Member Daniels, Minutes of the November 16, 2004 Meeting of Danville City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

### **BUDGET ADOPTION-FY 2004-05-NESTLE' INCENTIVE PACKAGE**

Upon Motion by Council Member Smith and second by Council Member Daniels, Ordinance No. 2004-11.06 presented by its First Reading on November 16, 2004

December 7, 2004

amending the Fiscal year 2004-2005 Budget Appropriation Ordinance by increasing revenues to from the General Fund for a City Technology Enhancement Grant for the Nestle' Expansion Incentive Package for a total appropriation in the amount of \$150,000 and appropriating the same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

#### **HEARING – REZONE 0.634 ACRE ON STOKESLAND AVENUE**

Mayor Hamlin opened the floor to consider a request to rezone approximately 0.634 acre on Stokesland Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on November 23 and 30, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

#### **ORDINANCE NO. 2004-12.01**

AN ORDINANCE REZONING FROM T-R THRESHOLD RESIDENTIAL TO OT-R OLD TOWN RESIDENTIAL, AN APPROXIMATELY 0.634 ACRE PORTION OF A 43.63-ACRE TRACT ON STOKESLAND AVENUE AND ALSO REZONING FROM OT-R OLD TOWN RESIDENTIAL TO T-R THRESHOLD RESIDENTIAL, AN APPROXIMATELY 0.634 LOT ON STOKESLAND AVENUE.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

#### **HEARING-REZONE 0.074 & 0.328 ACRES-RIVERSIDE DRIVE/BEECHWOOD**

Mayor Hamlin opened the floor to consider a request to rezone approximately 0.074 acre and 0.328 acre and 0.100 acre at 6262 Riverside Drive and Beechwood Lane. Notice of the Public Hearing had been duly published in the Danville Register and Bee on November 23 and 30, 2004. Attorney Randy Sinclair, representing applicants Steve and Sherry Stallings, said the applicants were requesting to rezone portions of their properties to allow for consolidation in order to square up lot lines. He advised the new zoning designation would not change the character of the area nor allow for expansion of use.

December 7, 2004

Council Member Luther called attention to a note of opposition from a nearby resident regarding the possibility of a private connecting road to Riverside Drive from the property in question. Mr. Sinclair responded that the road was closed and was not maintained by the City. He said a portion of the road comes down into the property and there were negotiations with the City about purchasing the property. Mr. Sinclair advised a purchase price had not yet been agreed upon.

In response to Mr. Luther, Attorney Sinclair said no one was present during the Planning Commission meeting to address the matter relating to the private road.

In response to Council Member Smith, Planning Director Ken Gillie said the property owners could petition the City to open the dedicated right-of-way near the property before any connection could be made to Beechwood Lane from the property. Mr. Gillie said the attorneys were looking at the option of closing off that area so there could be no connection.

Mr. Gillie reiterated to City Manager Gwaltney that before any City street is opened or approved, the matter has to come before City Council for approval.

No one further desired to be heard and the Public Hearing was closed.

Council Member Luther moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-12.02

AN ORDINANCE REZONING FROM S-R SUBURBAN RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL APPROXIMATELY 0.074 ACRE AND 0.328 ACRE AND REZONING FROM HR-C HIGHWAY RETAIL COMMERCIAL TO S-R SUBURBAN RESIDENTIAL APPROXIMATELY 0.100 ACRE AT 6262 RIVERSIDE DRIVE AND 2560 BEECHWOOD LANE.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**REQUEST TO AMEND CITY CHARTER – ELECTION OF SCHOOL BOARDS**

Mayor Hamlin opened the floor for a Public Hearing to consider a request to the General Assembly for a change in the City Charter to authorize direct elections of the School Board and update recodified references to the Virginia Code. Notice of the Public Hearing had been duly published in the Danville Register and Bee on November 21 and 28, 2004. No one present desired to be heard and the Public Hearing was closed.

December 7, 2004

Mayor Hamlin advised a Charter change is necessary because Danville's voters approved direct election of School Board members last May and the City Attorney had pointed out also that State Code references in the City Charter needed to be changed to conform with the current Code.

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-12.01

A RESOLUTION REQUESTING THE GENERAL ASSEMBLY AMEND THE CITY OF DANVILLE CHARTER TO AUTHORIZE DIRECT ELECTION OF SCHOOL BOARDS AND UPDATE RECODIFIED REFERENCES TO THE VIRGINIA CODE.

Council Member Luther seconded the Motion.

In response to Council Member Saunders and Vice-Mayor Williams, Mr. Whitfield said he would bring the amendments back to City Council for review before a vote was taken in the General Assembly.

The Resolution was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**AMEND CITY CODE CHAPTER 27-ALLOW RETIRING AUXILIARY POLICE TO PURCHASE SERVICE WEAPON**

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-12.03

AN ORDINANCE AMENDING CHAPTER 27 OF THE DANVILLE CITY CODE BY ADDING A NEW SECTION PERMITTING A RETIRING AUXILIARY POLICE OFFICER TO PURCHASE THEIR SERVICE WEAPON.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

December 7, 2004

## **COMMUNICATIONS**

City Manager Gwaltney reminded Council Members of the joint work session with the School Board on Thursday, December 9, 2004 at 5:30 P.M. at Schoolfield Academy.

Mr. Gwaltney called attention to the trophy the City has received from the Southern Piedmont Technology Council. He said the trophy was presented for the City's work in nDanville (network Danville) and collaboration with other entities in the City with reference to broadband services.

Mr. Gwaltney thanked City Council for supporting this project. He said the school system was much better because of this project. Mr. Gwaltney said that in a short time, all City operations would be on line. He said this was a joint project with the school system in which funds were combined to make the project work. Mr. Gwaltney credited Assistant City Manager Joe King, Power and Light Director Paul Kalv and all employees who stepped out of the box to bring the project to fruition.

There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

## **ROLL CALL**

Council Member Archie commended the efforts of Downtown Danville relating to the facelift on Main Street and also complimented them for the beautiful Christmas decorations.

Council Member Castiglione said he had received many compliments about the Christmas decorations on Main Street.

Mr. Castiglione, referring to a recent decision by Dr. James Robertson not to locate a Civil War Museum in Danville, said he would like the citizens of Danville to know that there was never a formal presentation to City Council regarding the museum. He said there was a limit to what Council could do in funding this type of project.

City Manager Gwaltney said there were some mixed signals about leadership in the Danville community. He said leadership goes much wider than the leadership at City Hall. He said there were discussions held that were very supportive of all museums. Mr. Gwaltney said he felt the City was supportive and attempted to be supportive in a way that was of interest to everyone.

Mr. Castiglione commended Bill Fuller for bringing the Victim/Witness Program to Danville.

Council Member Daniels welcomed Wayne Oakes to City Council. Mr. Daniels asked for clarification from City Manager Gwaltney about the GED program for City employees referred to in a recent news article.

December 7, 2004

Mr. Gwaltney said a few months ago, he was approached by representatives of Governor Warner's office to consider having the City of Danville taking the lead to encourage all its employees who do not have a high school education to seek their GED. He said the City would serve as an example for Governor Warner to encourage such an approach in localities all across the State. Mr. Gwaltney said through research with the City's Human Resources Department, it was discovered that there were 84 employees who did not have a high school diploma. He said the City had partnered with the State to try to help those employees through the process and to achieve their GEDs should they desire to do so. He said the employees would not be forced, but encouraged to seek the achievement.

Mayor Hamlin welcomed new Council Member Wayne Oakes.

Mayor Hamlin asked City Manager Gwaltney to let the staff of Parks, Recreation, and Tourism know what an outstanding job they did in bringing about Sunday's Christmas Parade. He said he thought Sunday's parade was one of the best ever.

Mayor Hamlin commended Parks, Recreation, and Tourism and Health Department staffs for the "Count Your Steps" program that was implemented to see who would travel the most distance and also improve one's "self-health." He said that out of the 63 people who signed up, 49 completed the program. The total distance the group traveled was equal to a distance from Danville to Australia. Donna Hawker traveled almost 1,000,000 steps. Mayor Hamlin said Council has been challenged for sometime in April to "Count Your Steps" with the Pittsylvania County Board of Supervisors.

Council Member Luther welcomed Mr. Oakes to City Council. Mr. Luther said he felt that Sunday's Christmas Parade was one of the best organized and well attended in many years and complimented the decorations on Main Street.

Mr. Luther took issue with an article in the local newspaper that characterized a recent stolen vehicle matter involving City Police Officers as a high-speed chase. Mr. Luther said the only chase involved was that after the perpetrator had fled from his vehicle, the police officers gave chase on foot.

Mr. Luther said he also felt the local paper had not portrayed the matter involving the Civil War Museum correctly by saying that political leaders had not given its support to the project. He agreed with Mr. Castiglione that the matter was not formally presented to City Council for any kind of consideration. Mr. Luther said he felt every project should stand on its own merit and that all projects should not be treated the same. He felt the Civil War Museum would have been a major attraction to the City and expressed disappointment that Dr. Robertson was not able to locate the Museum in Danville.

Council Member Oakes said it was an honor to fill the unexpired term of the late Council Member Charles Scott and then Council Member Buddy Rawley. He said they were big shoes to fill and he looked forward to working with the Council, City Management and the citizens of Danville.

December 7, 2004

Council Member Saunders said he agreed with Mr. Castiglione relating to the Museum issue.

In response to Mr. Saunders, City Attorney Whitfield said a member of a board or commission appointed by Council remains a member until he is replaced by City Council. There are term limitations for each board or commission, but the member stays on board until a replacement is appointed.

Mr. Saunders commended the creators of the Christmas Parade on Sunday and said there were attendees from all across the region.

Council Member Smith welcomed Mr. Oakes to City Council.

Mr. Smith reported the Utility Commission continues to review the rate study in dealing with the upcoming transition to increased electric costs next July. He felt it was going very well, especially with the City's industrial customers. He said the dialogue with that customer base has been stronger than at any time since he had been a Council Member.

Mr. Smith commended those who put together the Christmas Parade and said everyone seemed to have a wonderful time.

Mr. Smith said it was regrettable that Professor Robertson was unable to garner the support he needed to locate a Museum in Danville, but it was not the task of the governmental body to take on such a major undertaking and be the primary benefactor of the building and the operating cost of the museum. Mr. Smith said museums of this nature are generally started with private monies, but certainly this Council and this administration never turned its back on providing infrastructure and being supportive to anyone who was interested in creating a tourism tool for the City of Danville.

In response to Mayor Hamlin, Mr. Gwaltney said a rate study schedule on utilities would be available sometime in January 2005.

Vice-Mayor Williams welcomed Mr. Oakes to City Council.

Dr. Williams said the Christmas Parade was outstanding and downtown Danville looked wonderful. He encouraged everyone to visit downtown and said the transformation was quite remarkable.

Dr. Williams said he was surprised to hear that the Civil War Museum would not be located in Danville. He said citizens had remarked to him that this was a lost chance for Danville. Dr. Williams said he was not sure that Danville was ever really given a chance.

Dr. Williams remembered that today, December 7, is the anniversary of the bombing of Pearl Harbor and said citizens should stop and reflect on how far the United States had come since World War II, in spite of ongoing conflicts in other areas of the world.



December 7, 2004

The Meeting adjourned at 8:05 P.M..

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MAYOR

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CLERK